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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,191	11/25/2003	Terry M. Olkin	60468.300204	1190

  

32112 7590 09/10/2007 INTELLECTUAL PROPERTY LAW OFFICES 1901 S. BASCOM AVENUE, SUITE 660 CAMPBELL, CA 95008	
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EXAMINER GELAGAY, SHEWAYE	
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ART UNIT 2137	PAPER NUMBER
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MAIL DATE 09/10/2007	DELIVERY MODE PAPER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	Application No. 10/707,191	Applicant(s) OLKIN ET AL.	
	Examiner Shewaye Gelagay	Art Unit 2137	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 24 August 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: \_\_\_\_\_.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

  
**EMMANUEL L. MOISE**  
**SUPERVISORY PATENT EXAMINER**

Continuation of 11. does NOT place the application in condition for allowance because: The applicant argued that applicant's authentication assertion do not typically come from or via a key server they are used by a key server...How does Andivahis' key server know it can trust a sender to be whom they say they are, especially the first time. First the claimed limitation does not teach applicant's authentication assertion do not typically come from or via a key server. The claimed limitation teaches applicant's assertion is used by a key server, however, the claimed language does not state that the assertion do not typically come from or via a key server. Second Andivahis' key server know if it can trust a sender because a sender can send a certificate which is issued by a trusted party and which can be verified by the key server itself.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "authentication assertion is trustworthy because it has been issued by an authentication authority (a trusted third party)) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993)

The applicant argued that what Andivahis issue upon registration is not an authentication assertion. Andivahis teaches prior to any action authentication process takes place between the sender and the key server, the type of authentication information is preferably included with each message sent by the sender to the Key Server. (col. 4, lines 22-37) In addition, Andivahis teaches registering a user using a personal identifying information using additional credentials, such as public key certificate, an ITU X.509 certificate or the like, the credentials can be used in the future to determine which features of the system a user may access. A user uses certificates and submits the public key encryption key to the Key Server and the Key Server updates its database with the new user's information and corresponding credential. Thereafter, the Key Server can use the credential information to determine which registered user has requested a specific encryption or decryption key, and which services that user has requested. (col. 13, lines 13-62) Therefore, Andivahis teaches authenticating a user not only with email address but also by other credentials such as certificate (i.e. equivalent to the assertion)

In addition, Favazza teaches an authentication assertions and authorization attributes (attributes that a service uses to make authorization decisions, such as an identifier, a group or role, or other user profile information. Assertions are submitted to, and generated by, trusted authorities using a request/reponse protocol. (page 1, paragraphs 6-10)

With respect to applicant's argument that how can any combination of the cited references support rejection of Applicant's claims for non-repudiation. Both Andivahis and Favazza including applicant's invention relate to a system that enables sharing information in a secure environment utilizing a credential issued by a trusted party. Furthermore, when considering the combination as a whole, the initial request that includes an authentication assertion of Favazza which asserts the request is an authorized request would indicate to the key server of Andivahis the request for the key with the assertion has been verified by a trusted party.

The applicant argued that Andivahis does not teach a request that includes an authentication assertion. The examiner disagrees. (see previous discussion above). Andivahis does not explicitly teach a first request for a transaction identifier that includes an authentication assertion. Favazza teaches a customer inserting an assertion, and a signature into an initial request to a web service. (page 1, paragraphs 9-10) Therefore it would have been obvious to one ordinary skill in the art to modify the method disclosed by Andivahis with Favazza in order to have a system that enables sharing information in a secure environment by utilizing assertions that are embedded in transport and messaging networks. (page 1, paragraphs 6 and 7; Favazza)